



1654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chi-Huey Wong et al.)
Serial No.: 09/992,680) PATENT
Filed: November 19, 2001) Attorney Docket
) SCRF-267.3 DI
) (3195/84503)
For: Production Of Fucosylated)
Carbohydrates By Enzymatic)
Fucosylation Synthesis Of Sugar) Group Art No.
Nucleotides; And In Situ) 1654
Regeneration Of GDP-Fucose)
Examiner: Michael V. Meller)

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Election

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Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir:

In response to the Requirement for Election of Species mailed September 15, 2003, claims 21-29 were elected in the previously filed paper. The present Action requested the election of "a single disclosed species if no generic claim is finally held allowable." The *in vitro* reaction system comprising α 1,3-fucosyltransferase as the fucosyltransferase and the GDP-fucose pyrophosphorylase enzyme species of claim 22 is hereby elected. These two species are illustrated in Scheme 20 at page 56 and at page 111 in Example 16(b). Claims 21-26 read upon these species.

The Action required the above-made election and also required that the claims be "'cleaned up' so they clearly reflect the different 'species' of invention". No statutory


basis was provided for that 'clean up' requirement. The meaning of that quoted phrase is not understood. Inasmuch that requirement recited no statutory basis, and it is unknown what that requirement means, that requirement is hereby respectfully traversed.

Applicant and counsel would be pleased to do what is deemed needed within the statute to revise the claims. However, because the claims are thought to be clear as filed, without a properly stated basis for rejection it is unknown what amendments one should make. The Examiner is urged to initiate a telephone conference with the undersigned so that the matter can be dealt with if still necessary.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any additional questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

By 
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CERTIFICATE OF MAILING

I hereby certify that this Election in duplicate is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Non-Fee Amendments Commissioner for Patents, P.O. Box 1450, Arlington, Virginia 22313-1450 on October 14, 2003.

Edward P. Gamson

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